IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2399 OF 2006

Smt.Gullo Rakesh Raj ...Petitioner.

Versus

The Senior Inspector of Police & 2 Ors. ...Respondents.

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Mr.Basant Tilokani for Basant Tilokani & Co., Advocate for the Petitioner.

Mrs.M.M.Deshmukh, APP, for the State.

Ms.Sandhya Yardi, Probation Officer; Ms.Priti Patkar for 'Prerna'; and Ms.Niru Sharma, Co-ordinator, Resource Centre, are present.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 12th March, 2007.

P.C.:

1. Heard the learned Advocate for the petitioner, the learned APP for the State, Ms.Sandhya Yardi, Probation Officer, working with Government Special Rehabilitation Centre, Deonar, Mumbai, Ms.Priti Patkar who is representing 'Prerna' a noted organisation which works against Commercial Sexual Exploitation & Trafficking, and

Ms.Niru Sharma who is representing the Resource Centre, a joint venture of UNICEF and the Development of Women and Child Welfare. They were kind enough to come and assist the Court in respect of rehabilitation of the minor girl Manju.

2. The petitioner is seeking the custody of her minor daughter Manju. A raid was conducted by the Police on 28th March, 2006 at Commander Beer Bar at Chembur. In the said raid many minor girls were rescued, one of them was Manju. After rescue, Manju was sent to the Government Rehabilitation Centre at Deonar, Mumbai. Manju is at present in Naujyouti Shelter Home, Andheri for illiteracy and vocational training as per the order of Child Welfare Committee. At the said Naujyouti Shelter Home, Manju is being taught various skills like embroidery, candle making, tailoring as well as she is also being trained for beautician’s Course.

3. The Probation Officer Ms.Sandhya Yardi has stated that the beautician’s course would be

completed on 14th April, 2007 and internship period relating to that course would end on 30th May, 2007. By 30th May, 2007 Manju would also complete the embroidery course. For both these courses, Naujyouti Shelter Home would issue certificates.

4. The learned APP has stated that after Manju completes these two courses, she may be handed over to the custody of her mother because once she is equipped with these skills, Manju would be able to stand on her own feet and would not be forced into the flesh trade or any other inappropriate activities.

5. The age of Manju, according to the prosecution as of today, is approximately 16 to 17 years on the basis of medical examination.

6. Looking to the background of this case, I am not inclined to hand over the custody of minor Manju to her mother i.e. petitioner at this stage. However, after 31st May, 2007, the custody

of Manju be handed over to her mother i.e. petitioner.

7. The petitioner has stated that after Manju is handed over to her, she would be taking Manju to her village Dimri, Dholpur District, Rajasthan. The 'Christian Institute for the Study of Religion and Society' (CISRS) is an organisation which has conducted the Home Investigation in respect of minor Manju at her village Dimri, Dholpur District in Rajasthan. The said organisation has agreed to keep a follow-up on the well being and rehabilitation of Manju till she is 18 years. This was conveyed by CISRS to Probation Officer and Prerna.

8. The Christian Institute for the Study of Religion and Society i.e.CISRS to conduct Home Investigation Report as and when found necessary by them and submit quarterly progress reports to Ms.Sandhya Yardi, Probation Officer as well as to the Child Welfare Committee at Mumbai Suburban District, Mankhurd, Mumbai.

9. The learned Advocate for the petitioner states that the petitioner will look after the well being and rehabilitation of the minor girl Manju and they will provide proper care and protection to Manju. If Manju is being taken out of the said village for more than three days, they will inform the CISRS. The learned Advocate for the petitioner, on instructions, states that the petitioner undertakes to inform CISRS in advance by telephone whenever Manju is going to be taken out of village Dimri.

10. With the above directions, this Writ Petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)